

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 8685 of 2018

- Dayal Kishor @ Sonu S/o Tula Das Mahanat Aged About 22 Years R/o Kalgaamar, Thana- Kartala, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-Tamnar, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicants : Shri Sanjay Patel, Advocate.

For Non-applicant : Shri S. Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board30.11.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 155/2018 registered at Police Station – Tamnar, District- Raigarh (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 25 years old. She is resident of J.P. Tamnar factory quarter. Applicant is cousin brother of her husband. On 24.06.2018 she and applicant had returned back after examining of her ill son Shriwansh by the doctor. The husband of the prosecutrix had gone to Sithara. In the house prosecutrix and applicant were present. Applicant committed forcible sexual intercourse with her. When her husband returned back she narrated him the incident.
4. Learned counsel for the applicant argued that FIR is delayed, prosecutrix was a consenting party, the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the facts and circumstances of the case, considering the totality of the facts, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE